

1 DAVID BOIES (admitted *pro hac vice*)  
Email: dboies@bsfllp.com  
2 WILLIAM MARSILLO (admitted *pro hac vice*)  
Email: wmarsillo@bsfllp.com  
3 BOIES, SCHILLER & FLEXNER LLP  
333 Main Street, Armonk, NY 10504  
4 Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

5 MICHAEL D. JAY (SBN 223827)  
Email: mjay@bsfllp.com  
6 BOIES, SCHILLER & FLEXNER LLP  
401 Wilshire Blvd., Suite 850  
7 Santa Monica, CA 90401  
8 Telephone: (310) 752-2400  
Facsimile: (310) 752-2490

9 *Attorneys for Plaintiffs*  
10 THERANOS, INC. and ELIZABETH HOLMES

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

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15  
16 THERANOS, INC. and ELIZABETH HOLMES,

17 Plaintiffs,

18 v.

19 FUISZ PHARMA LLC, RICHARD C. FUISZ,  
and JOSEPH M. FUISZ,

20 Defendants.  
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Case No. 11-CV-05236-PSG

**JOINT STIPULATION AND [PROPOSED]  
ORDER EXTENDING DEADLINES FOR  
BRIEFING REGARDING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Dept.: Courtroom 5, 4th Floor  
Judge: Honorable Paul Singh Grewal

1 Pursuant to Civil Local Rule 6-2, Plaintiffs Theranos, Inc. and Elizabeth Holmes, by and  
2 through their counsel of record, and Defendants Fuisz Pharma LLC, Richard C. Fuisz, and Joseph M.  
3 Fuisz, by and through their counsel of record, stipulate as follows:

4 WHEREAS, Defendants filed a Notice of Motion and Motion for Summary Judgment on All  
5 Claims Other Than Invalidity and in the Alternative for Partial Summary Judgment on July 25, 2013;

6 WHEREAS, pursuant to Civil L.R. 7-3, Plaintiffs' deadline for filing an Opposition to  
7 Defendants' Motion and Motion for Summary Judgment on All Claims Other Than Invalidity and in  
8 the Alternative for Partial Summary Judgment is August 8, 2013;

9 WHEREAS, pursuant to Civil L.R. 7-3, Defendants' deadline for filing a Reply in support of  
10 its Motion for Summary Judgment on All Claims Other Than Invalidity and in the Alternative for  
11 Partial Summary Judgment is August 15, 2013;

12 WHEREAS, the commentary to Civil L.R. 7-2 specifies that "[t]he time periods set forth in  
13 Civil L.R. 7-2 and 7-3 regarding notice, response and reply to motions are minimum time periods"  
14 and, "[f]or complex motions, parties are encouraged to stipulate to or seek a Court order establishing  
15 a longer notice period with correspondingly longer periods for response or reply."

16 WHEREAS, the parties have met and conferred regarding the deadlines for filing their  
17 opposition and reply briefs, and have agreed to a short extension of these deadlines: to August 12,  
18 2013 for Plaintiffs' Opposition, and to August 21, 2013 for Defendants' Reply;

19 WHEREAS the hearing for Motion for Summary Judgment on All Claims Other Than  
20 Invalidity and in the Alternative for Partial Summary Judgment is set for September 3, 2013;

21 WHEREAS the parties are not seeking to change the date set for the hearing for Defendants'  
22 Motion for Summary Judgment on All Claims Other Than Invalidity and in the Alternative for Partial  
23 Summary Judgment;

24 WHEREAS this stipulation does not require any amendment to the case schedule ordered by  
25 the Court on June 14, 2013 (Dkt. No. 166);  
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1           THEREFORE, THE PARTIES JOINTLY STIPULATE AND AGREE that the filing deadline  
2 for Plaintiffs' Opposition to Defendants' Motion and Motion for Summary Judgment on All Claims  
3 Other Than Invalidity and in the Alternative for Partial Summary Judgment is August 12, 2013, and  
4 that the filing deadline for Defendants' Reply in support of its Motion for Summary Judgment on All  
5 Claims Other Than Invalidity and in the Alternative for Partial Summary Judgment is August 21,  
6 2013. An accompanying Declaration sets forth the items required by Civil Local Rule 6-2.

7  
8 **IT IS SO STIPULATED.**

9 Dated: August 6, 2013

BOIES, SCHILLER & FLEXNER LLP

10 By: /s/ Michael D. Jay  
11 Michael D. Jay

12 *Attorneys for Plaintiffs*  
Theranos Inc. and Elizabeth Holmes

13  
14 Dated: August 6, 2013

BANIE & ISHIMOTO LLP

15 By: /s/ Jennifer Ishimoto  
16 Jennifer Ishimoto

17 *Attorneys for Defendants*  
Fuisz Pharma LLC, Richard C. Fuisz,  
18 and Joseph M. Fuisz

19  
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: August \_\_, 2013

22 \_\_\_\_\_  
23 PAUL SINGH GREWAL  
United States Magistrate Judge

**ATTESTATION OF FILER**

I, Michael D. Jay, attest that I have obtained permission from Jennifer Ishimoto to file this document on each of his behalf.

Dated: August 6, 2013

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Michael D. Jay  
Michael D. Jay

*Attorneys for Plaintiffs  
Elizabeth Holmes and Theranos, Inc.*